

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	AMENDMENT NO. A-144-08	Date:	December 9, 2008

OBJECTIVE

To transmit a recommendation of the Planning Commission to approve Amendment No. A-144-08 amending Planned Unit Development No. PUD-107-96 to add a use, Children’s Learning Center, subject to the approval of a Conditional Use Permit.

BACKGROUND

On November 6, 2008, the Planning Commission considered Amendment No. A-144-08 amending Planned Unit Development No. PUD-107-96 to add a use, Children’s Learning Center, subject to the approval of Conditional Use Permit No. CUP-250-08. Along with the Amendment request, the Planning Commission considered and approved a Conditional use Permit request from the operator of Excelsius Academy to operate a new 2,180 square foot Children’s Learning Center, subject to City Council’s approval of Amendment No. A-144-08. The Planning Commission adopted Resolution No. 5655 recommending approval of Amendment No. A-144-08. No one spoke in favor of or in opposition to the project.

The subject site is part of a Planned Unit Development (PUD) located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street. The site has a General Plan Land Use designation of Office Professional and is zoned PUD-107-96 (Planned Unit Development). The entire Planned Unit Development (PUD-107-96) is approximately 2.7 acres in size and is made up of four (4) lots. Easements for vehicular access and parking exist on the parcels.

The specific tenant space approved for a new Children’s Learning Center is located on the first floor of the office building, and is a 2,180 square foot space at 9140 Trask Avenue, Suite 2. The office building is also occupied by Great Reunions on the second floor, and a law office on the first floor, which occupies approximately 2,108 square feet. The subject lot has a total of forty-five (45) parking spaces available, which is a sufficient number of spaces to accommodate the existing and new uses on the site.

In 1996, the City Council approved Planned Unit Development No. PUD-107-96, which allowed a revision to the permitted uses within the existing Planned Unit Development (PUD-102-77, Revised 1985) to allow dental laboratories within the existing two-story office building located at 9140 Trask Avenue.

DISCUSSION

The Community Development Department has seen an increase in the number of requests to operate tutoring businesses in commercial zones. Educational institutions and private schools offering full-time education to children are only allowed in residential zones with approval of a Conditional Use Permit. Small tutoring businesses, for fifteen (15) or less students, have been approved in commercial zones within retail/office multi-tenant buildings. Small tutoring businesses have characteristics of an office use and provide supplemental education to 12 to 15 students for a limited number of hours; 3 to 4 hours maximum per day.

Since the proposed business, Excelsius Academy, is a larger tutoring operation with an anticipated 40 or more students, staff has given this type of large tutoring facility the name "Children's Learning Center." This type of center would provide the same services of supplemental education to students first grade through high school during limited hours of the day. A PUD allows the review of unique mixes of uses and building types, based on the characteristics of an individual site and its surrounding area. PUD-107-96 can accommodate the proposed use with adequate parking available.

The proposed Amendment would consist of the following:

O. *The following uses may be established at 9140 Trask Avenue, subject to Conditional Use Permit approval and the parking requirements of the Garden Grove Municipal Code:*

1. *CHILDREN'S LEARNING CENTER.*

FISCAL IMPACT

No fiscal impact to the District and/or City regarding this proposed amendment.

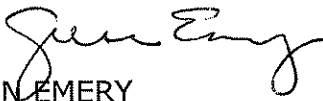
COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to foster small business development, retention and expansion. This proposed Amendment will help to facilitate this goal by expanding the areas in the City that allow Children's Learning Centers, thereby filling a need within the community for these types of uses.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Introduce the attached ordinance for the first reading approving Amendment No. A-144-08.


SUSAN EMERY
Community Development Director


By: Chris Chung
Assistant Planner

Approved for Agenda Listing


Matthew Ferial
City Manager

- Attachment 1: Planning Commission Staff Report dated November 6, 2008
- Attachment 2: Planning Commission Resolution No. 5655 with Conditions of Approval
- Attachment 3: Planning Commission Minute Excerpt of November 6, 2008
- Attachment 4: Draft Ordinance for Code Amendment for No. A-144-08



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: South side of Trask Avenue, between Magnolia Street and Gilbert Street, at 9140 Trask Avenue, Suite 2
HEARING DATE: November 6, 2008	GENERAL PLAN: Office Professional
CASE NOS: Amendment No. A-144-08 & Conditional Use Permit No. CUP-250-08	ZONE: PUD-107-96 (Planned Unit Development)
APPLICANT: Principia Enterprise, LLC dba Excelsius Academy	APN: 098-641-06
PROPERTY OWNER: Michael J. Silva	CEQA DETERMINATION: Exempt

REQUEST:

A proposed Amendment to Planned Unit Development No. PUD-107-96 to add a use, Children's Learning Center, with Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to operate a new 2,180 square foot Children's Learning Center, Excelsius Academy.

PROJECT STATISTICS:

LOT SIZE (TOTAL): 22,654 sq.ft.

ENTIRE PUD: 2.74 Acres

TENANT SPACE:

Proposed Children's Learning Center: 2,180 sq.ft.

BUILDING HEIGHT: Approx. 25'-0" (two-story office building)

PARKING (On the lot): 45 Total spaces

BACKGROUND:

The subject site is part of an approximately 22,654 square foot Planned Unit Development (PUD) located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street. The site has a General Plan Land Use designation of Office Professional and is zoned PUD-107-96 (Planned Unit Development). The PUD is divided into four (4) lots. The subject property is one of these four (4) lots and is developed with a two-story office building of approximately 10,922 square feet.

The specific tenant space under application is located on the first floor of the office building, and is a 2,180 square foot space at 9140 Trask Avenue, Suite 2. The first

CASE NUMBER NOS.: A-144-08 & CUP-250-08

floor was previously occupied by a dental lab, Dentech International, Inc. Currently, the office building is occupied by Great Reunions on the second floor, and a law office on the first floor, which occupies approximately 2,108 square feet. The proposed Excelsius Academy Children's Learning Center would occupy Suite 2. The subject lot has a total of forty-five (45) parking spaces available. Currently, demand at the site allows for many available parking spaces, and there is reciprocal access to the adjacent lots located to the west of the subject property.

The entire Planned Unit Development (PUD-107-96) is approximately 2.7 acres in size and is made up of four (4) lots. Three (3) of the lots have stand-alone restaurants: an In-N-Out Burger restaurant (9032 Trask Avenue), Jon's Coffee Shop (9062 Trask Avenue), and Brodard Chateau Restaurant (9100 Trask Avenue). The Planned Unit Development was originally established as a single lot under Planned Unit Development No. PUD-102-77. In July of 1979, a parcel map was approved by the Zoning Administrator to subdivide the site into four parcels, three with stand-alone restaurants and one unimproved. Easements for vehicular access and parking exist on the parcels.

In 1985, a request to revise the PUD was granted by the Planning Commission and City Council. The revised PUD permitted the construction of the existing two-story office building, which was built on the fourth remaining parcel created in 1979.

In 1996, the City Council approved Planned Unit Development No. PUD-107-96, which allowed a revision to the permitted uses within the existing Planned Unit Development (PUD-102-77, Revised 1985) to allow dental laboratories within the existing two-story office building located at 9140 Trask Ave.

DISCUSSION:

AMENDMENT:

The applicant is requesting approval of an Amendment to Planned Unit Development No. PUD-107-96 to allow a tutoring business, "Children's Learning Center" (A-144-08), subject to the approval of a Conditional Use Permit. Currently, PUD-107-96 does not permit this type of use.

The Community Development Department has seen an increase in the number of requests to operate tutoring businesses in commercial zones. Educational institutions and private schools offering full-time education to children are only allowed in residential zones with approval of a Conditional Use Permit. Small tutoring businesses, for fifteen (15) or less students, have been approved in commercial zones within retail/office multi-tenant buildings. Small tutoring businesses have characteristics of an office use and provide supplemental education to 12 to 15 students for a limited number of hours; 3 to 4 hours maximum per day. The Building Department requires a change of occupancy to type "E", if students

attend more than 12 hours a week. Examples of this type of business are "Kumon" and "Sylvan Learning".

The proposed business, Excelsius Academy, is a larger tutoring operation with an anticipated 40 or more students. Staff has given this type of large tutoring facility the name "Children's Learning Center." This type of center would provide the same services of supplemental education to students first grade through high school during limited hours of the day. A PUD allows the review of unique mixes of uses and building types, based on the characteristics of an individual site and its surrounding area. PUD-107-96 can accommodate the proposed use with adequate parking available.

The proposed Amendment would consist of the following:

PUD-107-96 establishes uses that are allowed on each parcel through existing Conditions "M" and "N". Amendment No. A-144-08 will add an additional use through Condition "O" as follows:

M. The following uses may be established at 9140 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:

- 1. PROFESSIONAL OFFICE AND RELATED USES, such as Administrative and Business, Banks and Financial Institutions, Medical and Dental offices, Dental Laboratories, Prescription Pharmacies, and Professional and Clerical offices.*
- 2. PROFESSIONAL STUDIOS, such as Art, Music and Dance studios, Arts and Crafts, Photography, and Portrait studios.*
- 3. PERSONAL SERVICE, such as Barber and Beauty Salons, Dry Cleaning Agencies, Physical Therapy, Tailor and Dressmaking, Shoe Repair, and Travel Agencies.*

N. The following uses may be established at 9032, 9062, and 9100 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:

- 1. RESTAURANTS, such as fast food restaurants, dinner houses, and coffee shops. Nightclubs, bars, and lounges are not permitted.*

O. The following uses may be established at 9140 Trask Avenue, subject to Conditional Use Permit approval and the parking requirements of the Garden Grove Municipal Code:

- 1. CHILDREN'S LEARNING CENTER.**

CONDITIONAL USE PERMIT:

In conjunction with the proposed Amendment, the applicant is requesting approval of a Conditional Use Permit (CUP) for the proposed Children's Learning Center. CUP-250-08 is a request to operate a new 2,180 square foot Children's Learning Center, Excelsius Academy. Planning Staff has determined that because of the number of students and the possible impacts from the drop-off and pick-up schedule, that a Children's Learning Center is best reviewed under the Conditional Use Permit process. This process is required to ensure that the use will not be detrimental to the public health, safety, and general welfare and will not impair the integrity and character of the area. Additionally, a Conditional Use Permit for each use is reviewed individually, based on location and compatibility with the surrounding areas.

The subject tenant space will consist of five (5) total classrooms for students to occupy. As required by the Fire and Building Departments, each classroom will be required to have a posted maximum occupancy of students (twenty (20) square feet of classroom area per student) specific to each classroom and the classroom size. The Planning Department has provided a condition, which will limit the maximum number of students in the establishment to a maximum of forty-five (45) students. In addition to the classrooms, the interior consists of a waiting room, a receptionist area, a teacher's resource room, and three (3) unisex bathrooms.

The applicant is proposing to have administrative office hours from 10:00 a.m. to 6:30 p.m., Monday through Saturday. There will be two (2) tutoring sessions per day with hours from 3:30 p.m. to 5:30 p.m. and 6:30 p.m. to 8:30 p.m., Monday through Saturday. The Excelsius Academy will also have two (2) sessions of S.A.T. (Scholastic Aptitude Test) preparation classes from 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m., on Saturdays. There will be one (1) administrative person and four (4) tutors during business hours. The Children's Learning Center will cover school grades fifth to twelfth; ages of the students will range from ten (10) to eighteen (18) years old. The applicant has stated that students will be at the establishment for only one class session per day (2 hours).

As previously mentioned, current demand at the site allows for many available parking spaces. The office building is approximately 10,922 square feet in gross floor area. The second floor, which is currently occupied by Great Reunions, is approximately 6,128 square feet, and is required by the Municipal Code to have twenty-five (25) parking spaces. The law offices on the first floor occupy approximately 2,108 square feet, and eight (8) parking spaces are required for that business. Finally, the proposed Children's Learning Center, Excelsius Academy, would occupy approximately 2,180 square feet. By applying the City Code parking requirements for private schools, elementary through high school, twelve (12) parking spaces would be required for that business. In total, forty-five (45) spaces are required. Staff found that a review of the site shows that the actual demand for

parking from the existing businesses (Great Reunions and Law Offices) is less than the required amount of 12.

To minimize any traffic and circulation issues, the business owner has provided an hour between class sessions so there is no overlap of drop-off and pick-up times. The first session runs from 3:30 p.m. to 5:30 p.m., Monday through Saturday, and the second session does not begin until 6:30 p.m. This should help to mitigate any potential circulation problems on the site from this use. The applicant has stated that the majority of students will be dropped off by their parents, rather than driving themselves.

Because most parents do not park and go into the establishment with their child, the applicant will provide a drop-off and pick-up area. The proposed drop-off and pick-up area will be located in close proximity to the entrance of the business and will provide a safer path-of-travel for the students. Three existing parking stalls will be used to create the drop-off and pick-up area. Since parents will be queuing to use the drop-off and pick-up area instead of parking in a space, Planning Staff counts half the number of cars in the queue for all drive through uses toward the parking requirement. Four parking spaces will be provided in the queue.

A condition of approval for Planned Unit Development No. PUD-107-96 requires that the reciprocal parking, access and maintenance agreements with the properties immediately to the west of the subject site at 9140 Trask Avenue shall be maintained at all times. Reciprocal access to the lot west of the subject property ensures that the flow of traffic will not be disrupted by the designated drop-off and pick-up area. Also, the reciprocal parking available on the properties adjacent to the subject site at 9140 Trask Avenue will further ensure that the parking demand will be met. A condition of approval for CUP-250-08 states that in the event there are any parking or traffic circulation issues at 9140 Trask Avenue, or any issues that impact the other three (3) parcels included in PUD-107-96, the applicant shall prepare a parking/traffic mitigation plan to the satisfaction of the City.

Upon inspection of the premises, Staff found that the prospective space for the Children's Learning Center and the overall site were properly maintained, and complied with the requirements of Title 9 of the Municipal Code.

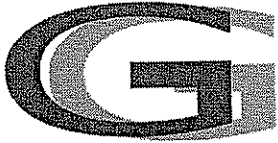
RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Recommend approval of Code Amendment No. A-144-08, revising Planned Unit Development No. PUD-107-96, to City Council; and
2. Approve Conditional Use Permit No. CUP-250-08 subject to the recommended Conditions of Approval as well as subject to the City Council approval of Code Amendment No. A-144-08.

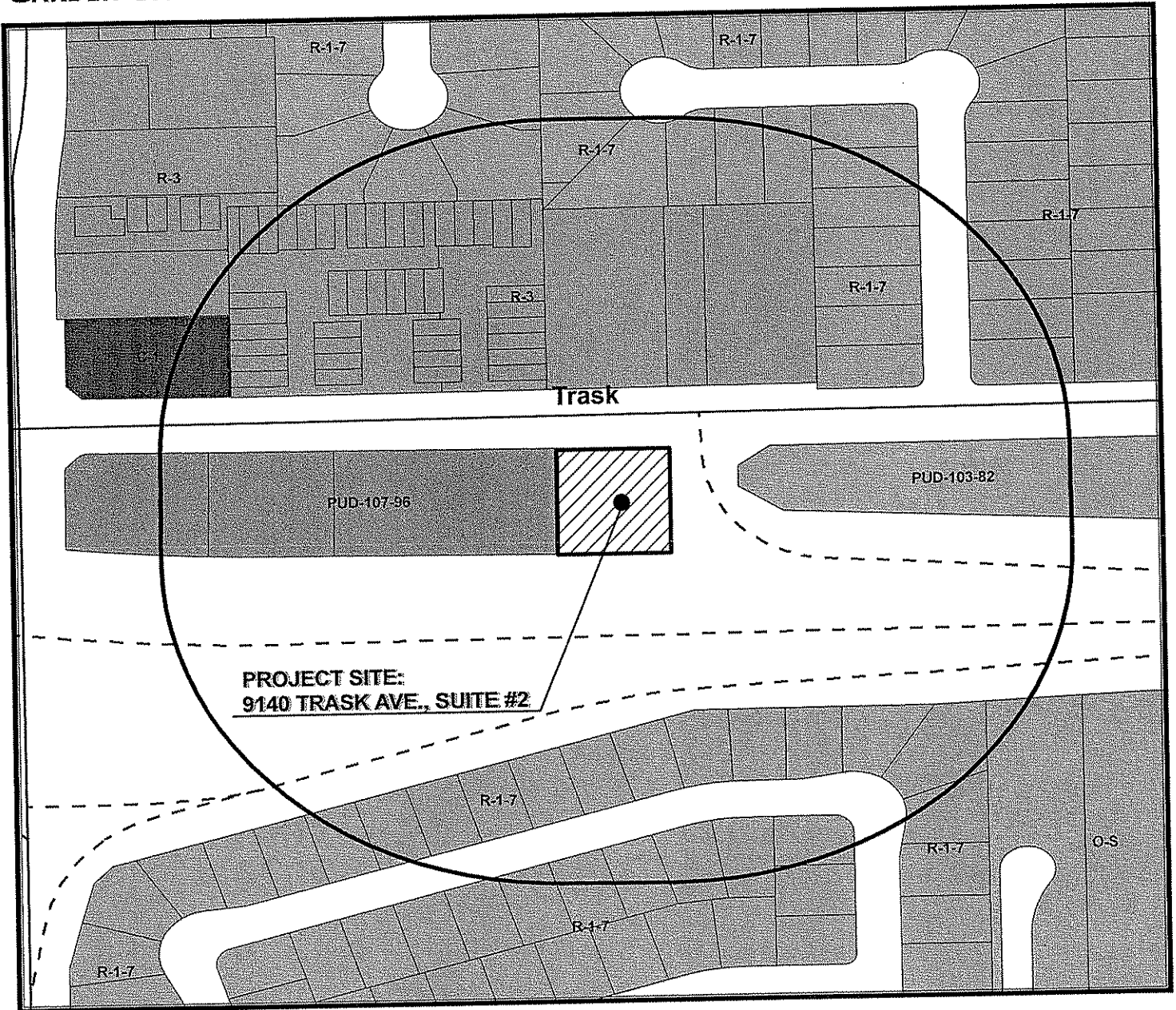
Karl Hill
Planning Services Manager

By: Chris Chung
Assistant Planner





GARDEN GROVE

CONDITIONAL USE PERMIT NO. CUP-250-08



LEGEND

 PROJECT SITE - 9140 TRASK AVE. SUIT #2

 500 FEET RADIUS

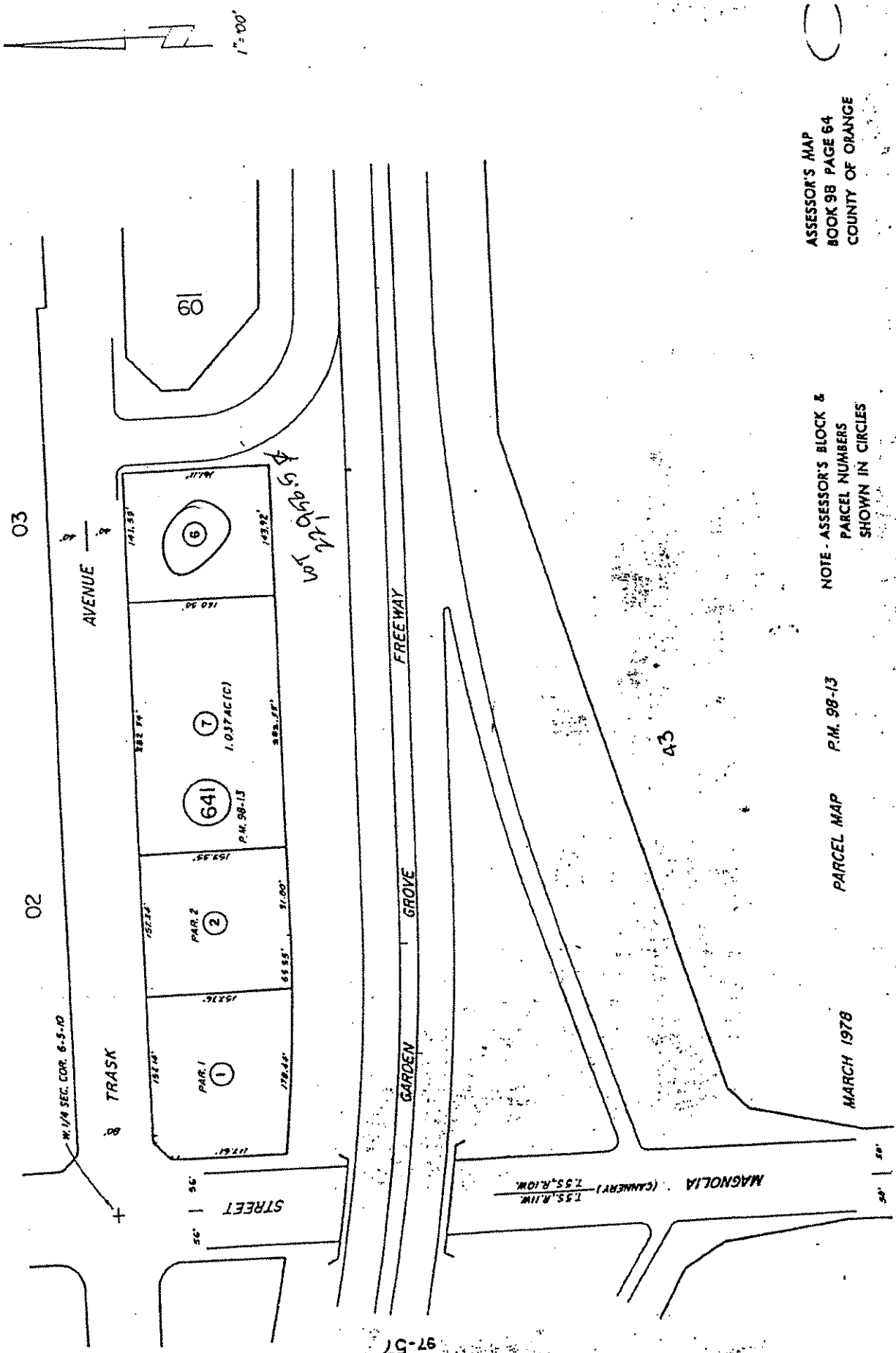


NOTES

1. GENERAL PLAN: OFFICE PROFESSIONAL
2. ZONE: PUD-107-96

CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 SEPTEMBER 2008

POR. N. 1/2, N.W. 1/4, S.W. 1/4, SEC. 6, T. 5S., R. 10W.



03

02

AVENUE

TRASK

STREET

FREEWAY

GROVE

GARDEN

MAGNOLIA (CANARY)

MARCH 1978

PARCEL MAP P.M. 98-13

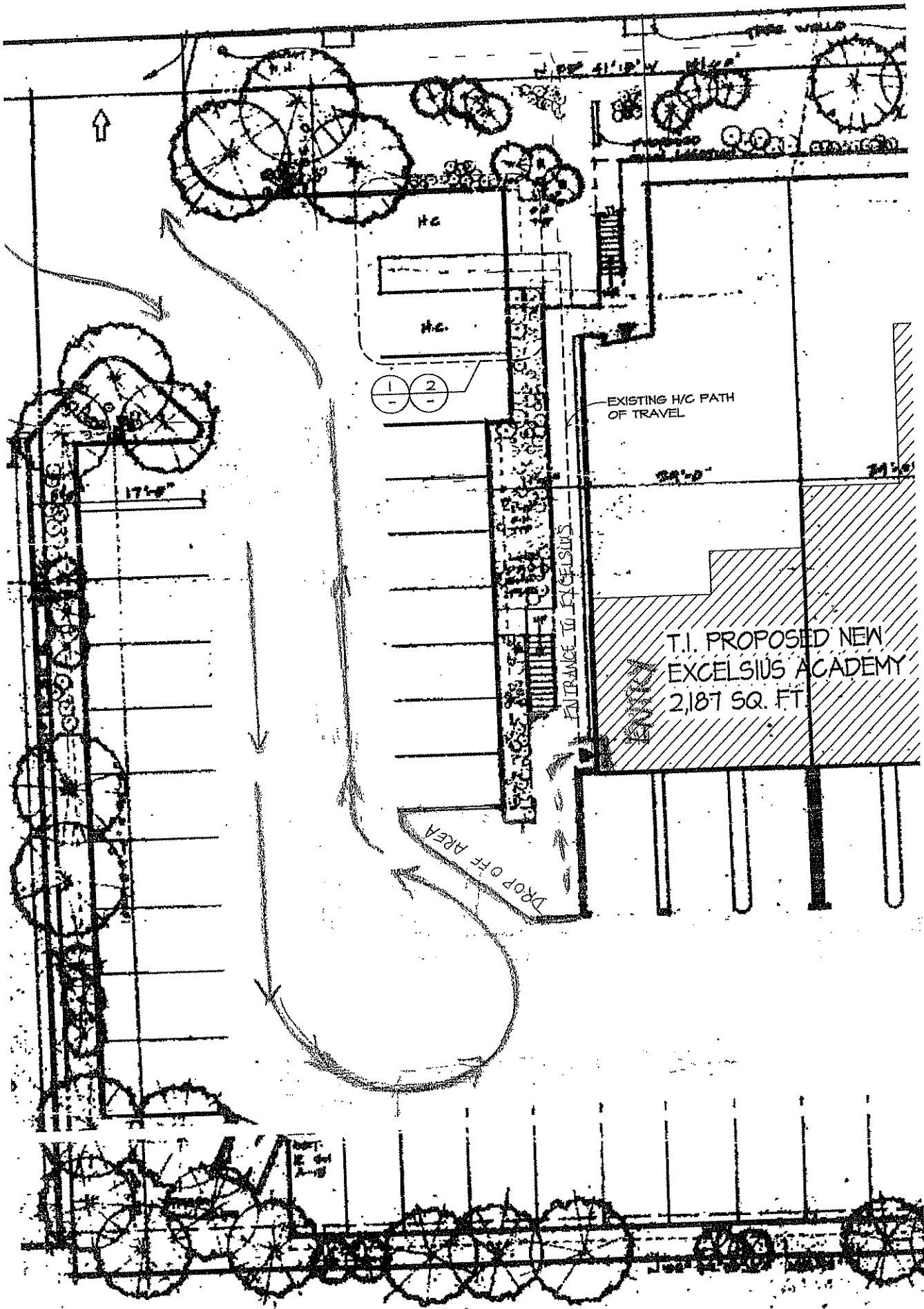
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 98 PAGE 64 COUNTY OF ORANGE



This plat is for your aid in locating your land with reference to streets and other parcels. It is not a survey. While this plat is believed to be correct, Old Republic Title Company assumes no liability for any loss occurring by reason of reliance thereon.

97-57



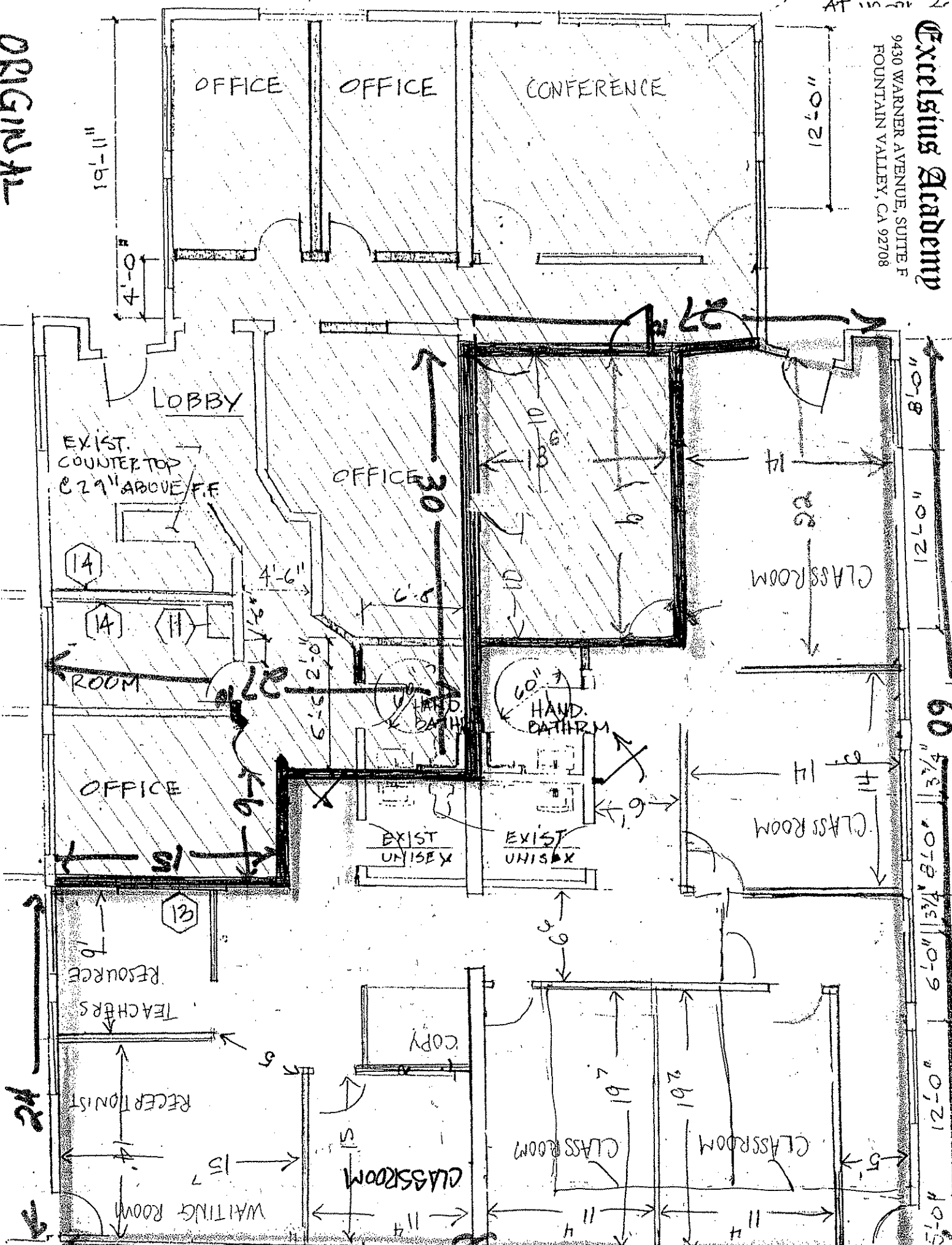
EXCELSIUS ACADEMY DROP-OFF PLAN

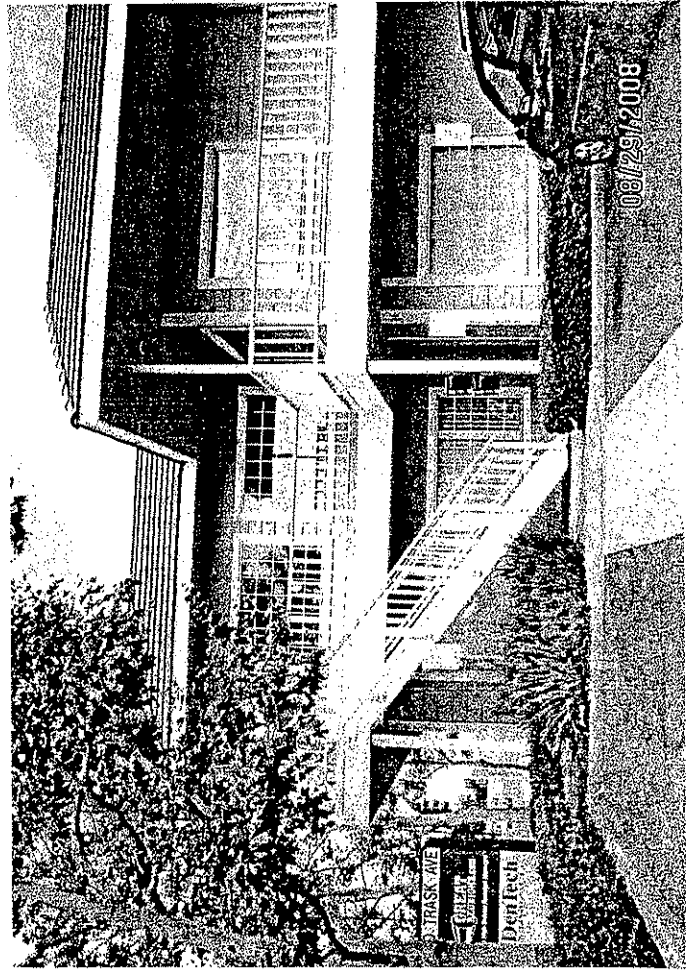
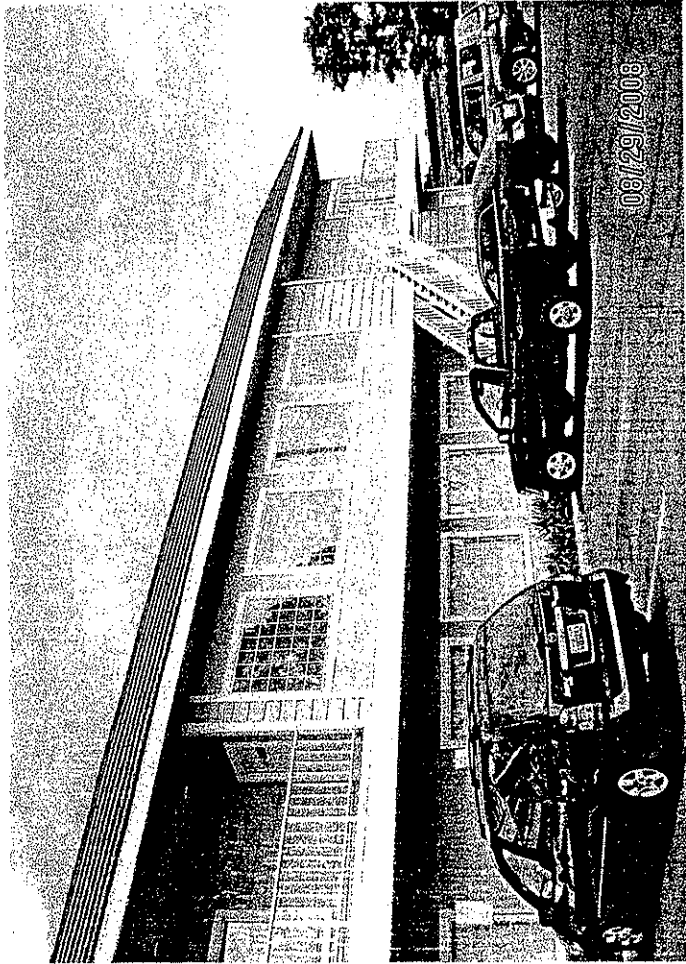
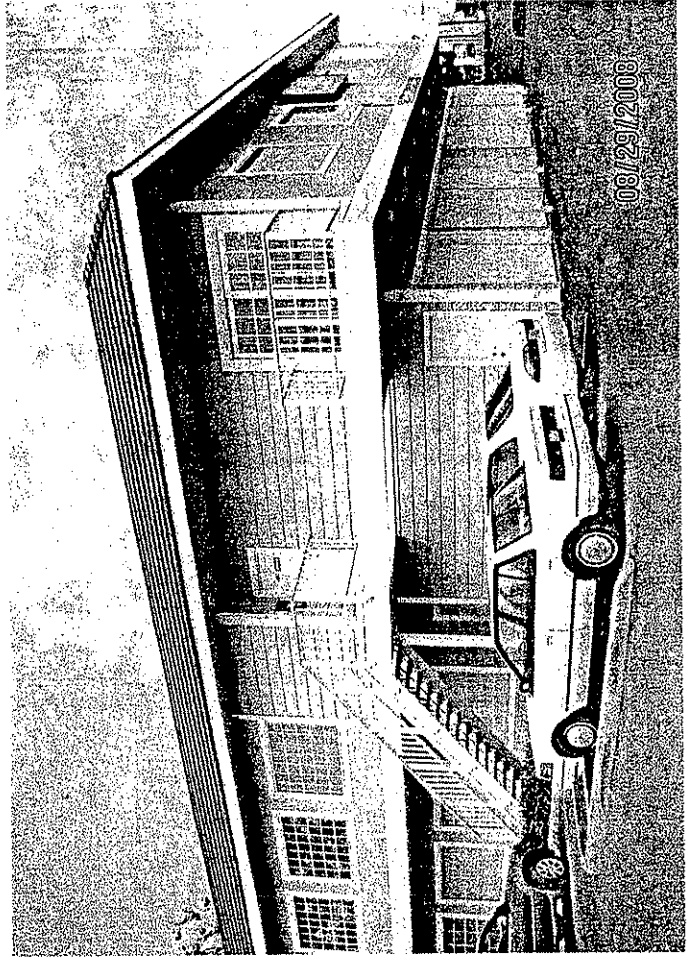
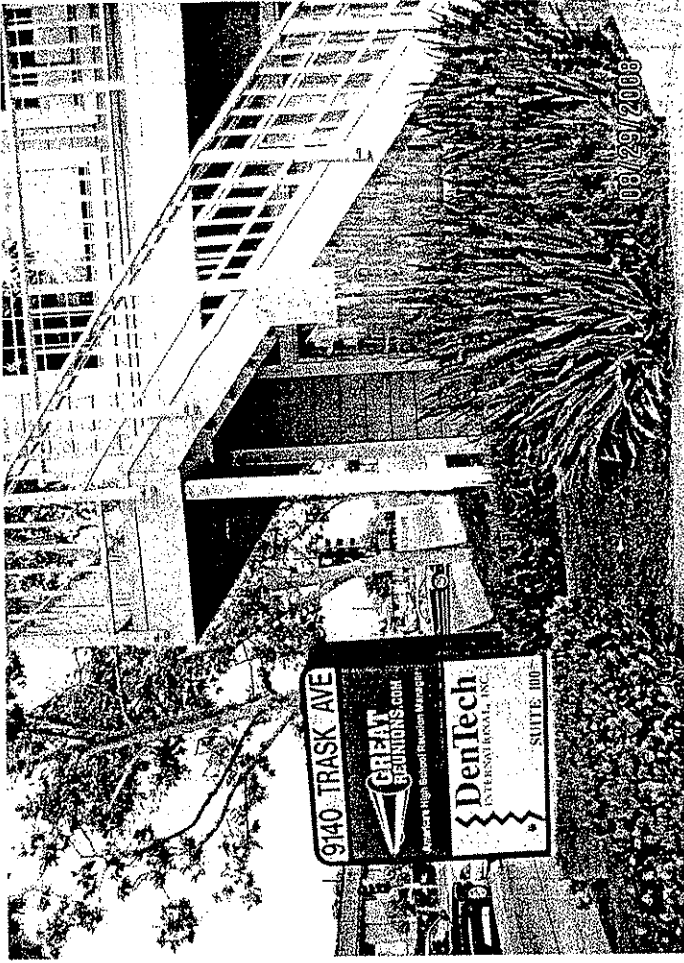
9430 WARNER AVENUE, SUITE F
FOUNTAIN VALLEY, CA 92708

Excelsius Academy

TYPICAL VAC.
AT 13 31 2

ORIGINAL

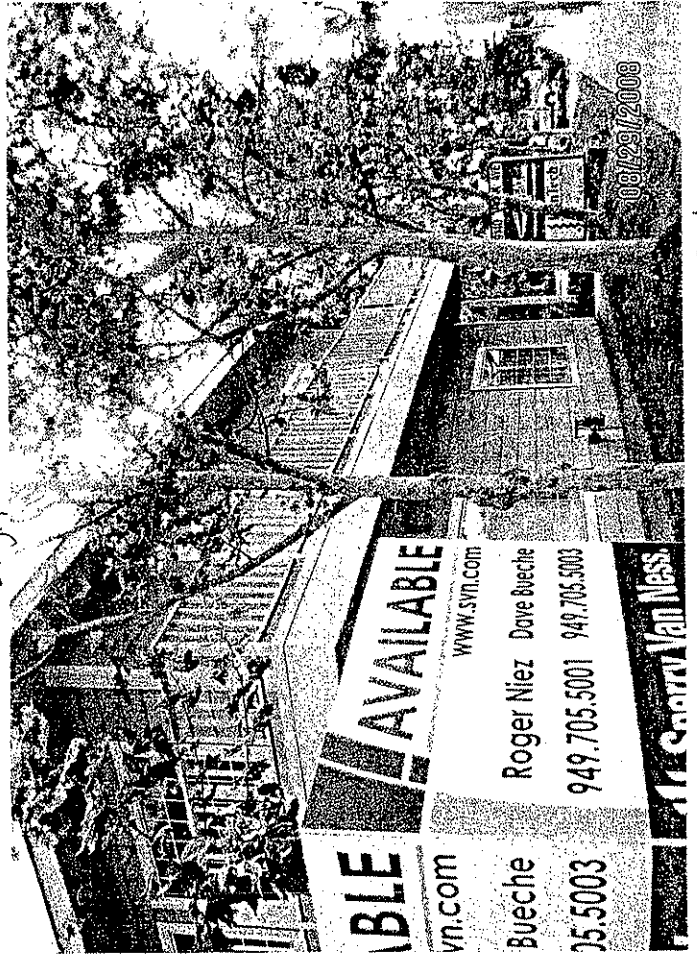




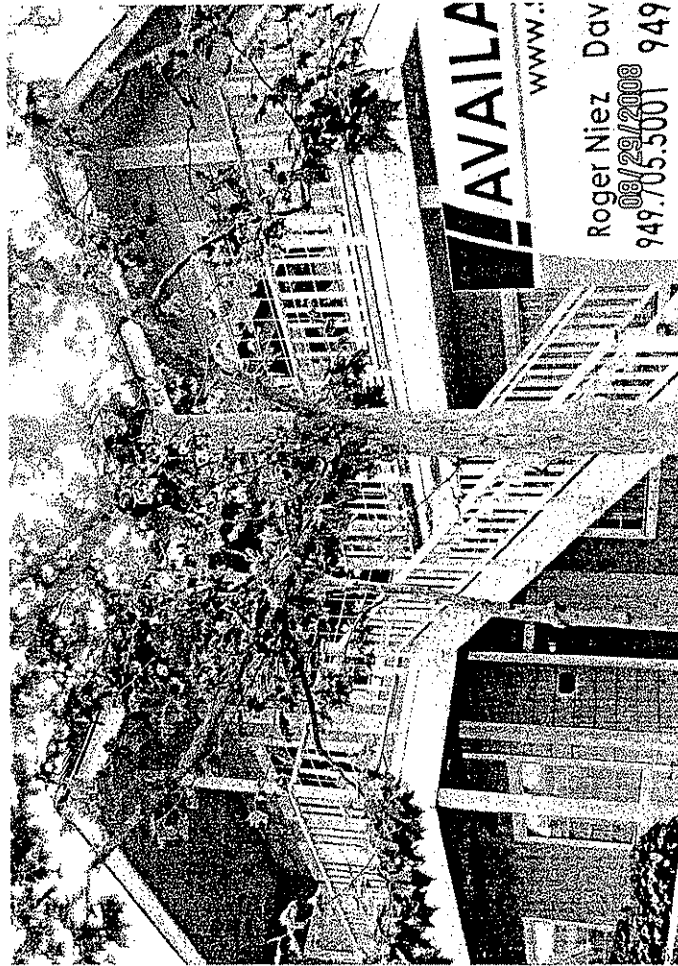
Parking Lot -
side A.



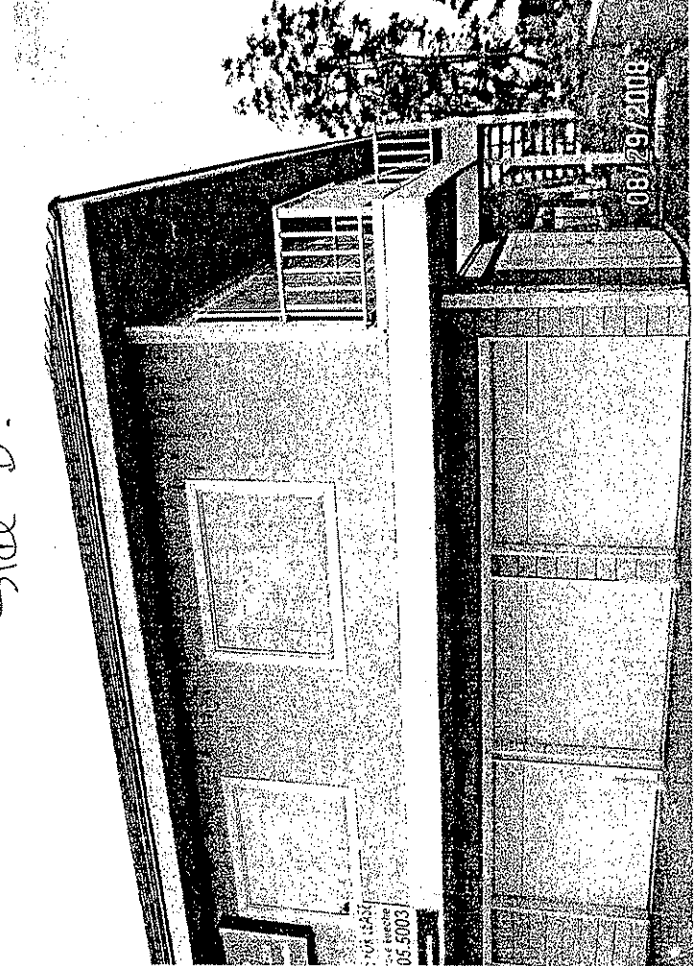
side



Street side, Side C



Side D.



Side B



RESOLUTION NO. 5655

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF AMENDMENT NO. A-144-08, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-107-96 TO ALLOW A CHILDREN'S LEARNING CENTER, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 6, 2008, does hereby recommend approval of Amendment No. A-144-08, for the property located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street, at 9140 Trask Avenue, Suite 2, Parcel No. 098-641-06.

BE IT FURTHER RESOLVED that the Planning Commission has considered the Exempt status under CEQA for the proposed Amendment together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds that the request is Exempt from further environmental analysis due to the basis that the proposal is not considered a project, and that should a project be proposed, it will be reviewed and considered per CEQA guidelines in determining the significance of environmental application.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-144-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Principia Enterprise, LLC dba Excelsius Academy.
2. The applicant is requesting approval of an Amendment to Planned Unit Development No. PUD-107-96 to allow a Children's Learning Center, subject to the approval of a Conditional Use Permit.
3. The Community Development Department has determined that this request is exempt from CEQA environmental review due to the fact that this request is not deemed to be a project and thereby is not subject to CEQA review, per the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.
4. Report submitted by City staff was reviewed.
5. Pursuant to a legal notice, a public hearing was held on November 6, 2008, and all interested persons were given an opportunity to be heard.

- 6. The Planning Commission gave due and careful consideration to the matter during its meeting of November 6, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The Planned Unit Development No. PUD-107-96 zone currently does not list Children’s Learning Center as a permitted use. The proposed Amendment would add Children’s Learning Centers, as a permitted use in the PUD-107-96 zone, subject to the approval of a Conditional Use Permit.

The applicant is also proposing, in conjunction with this request, to operate a new 2,180 square foot Children’s Learning Center, Excelsius Academy. (Conditional Use Permit No. CUP-250-08).

FINDINGS AND REASONS:

- 1. The Amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses. The requirement that Children’s Learning Centers, be subject to a Conditional Use Permit, will ensure that there is a reasonable degree of compatibility between the proposed use and surrounding properties.
- 2. The Amendment will promote the public interest, health, safety, and welfare through the Conditional Use Permit required by the amendment, thus ensuring the public interest, health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9-162.17. The Planning Commission recommends approval of Amendment No. A-144-08 as follows:

The proposed Amendment would consist of the following:

PUD-107-96 establishes uses that are allowed on each parcel, that are part of the PUD, through existing Conditions “M” and “N”. Amendment No. A-144-08 will add an additional use through Condition “O” as follows:

M. *The following uses may be established at 9140 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:*

- 1. *PROFESSIONAL OFFICE AND RELATED USES, such as Administrative and Business, Banks and Financial Institutions, Medical and Dental offices, Dental Laboratories, Prescription Pharmacies, and Professional and Clerical offices.*
- 2. *PROFESSIONAL STUDIOS, such as Art, Music and Dance studios, Arts and Crafts, Photography, and Portrait studios.*
- 3. *PERSONAL SERVICE, such as Barber and Beauty Salons, Dry Cleaning Agencies, Physical Therapy, Tailor and Dressmaking, Shoe Repair, and Travel Agencies.*

N. *The following uses may be established at 9032, 9062, and 9100 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:*

- 1. *RESTAURANTS, such as fast food restaurants, dinner houses, and coffee shops. Nightclubs, bars, and lounges are not permitted.*

O. *The following uses may be established at 9140 Trask Avenue, subject to Conditional Use Permit approval and the parking requirements of the Garden Grove Municipal Code:*

- 1. *CHILDREN'S LEARNING CENTER.***

ADOPTED this 6th day of November, 2008

/s/ JOSEPH PAK
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on November 6th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM,
		KIRKHAM, NGUYEN, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	PIERCE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is November 27th, 2008.

EXHIBIT "A"
Conditional Use Permit No. CUP-250-08

9140 Trask Avenue, Suite 2

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of an ABC license. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications which do not change the intent of the project may be approved by the Community Development Director.
3. If major modifications are made to the approved floor plan that result in the intensification of the project or create impacts that have been previously addressed, a new Conditional Use Permit application shall be filed which reflects the revisions made.

Fire Department

4. The applicant shall post maximum occupancy of students [twenty (20) square feet of classroom area per student] specific to each classroom and the classroom size.
5. The applicant shall comply with the 2007 California Fire Code for all Life Safety Issues.

Police Department

6. Hours of operation shall be permitted only between the hours of 10:00 a.m. to 8:30 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday, and closed Sunday. The City reserves the right to reduce hours of operation in the event problems arise concerning the operation of this business.
7. There shall be no uses or activities permitted of an adult-oriented nature as outlined in the City Code, Section 9.04.060.

8. There shall be no smoking permitted inside the business at any time.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.

Community Development Department

10. Approval of this Conditional Use Permit is contingent upon City Council approval of Amendment No. A-144-08 and will allow the establishment to operate a Children's Learning Center, Excelsius Academy. There shall be no additional changes in the design of the floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit.
11. No outside storage or displays shall be permitted at any time.
12. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance of the establishment, and shall also be visible to the public.
13. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
14. An enrolled student/child may stay at the establishment for no more than four (4) hours per day.
15. The reciprocal parking, access and maintenance agreement with the properties immediately to the west of this site shall be maintained at all times.
16. All lighting structures shall be placed and maintained so as to confine direct rays to the subject property. Lighting levels shall be maintained at a minimum of two foot-candles during hours of operation and a minimum of one foot-candle all other hours of darkness.

17. The garages shall be utilized for the parking of vehicles at all times. The garages shall not be used for storage or any use other than parking.
18. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
19. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be based on the existing schedule provided by the commercial center.
20. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.
21. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
22. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
23. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
24. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
25. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. Signing for the development shall be consistent with that for the developments in the O-P (Office Professional) zone as stated in the City of Garden Grove Municipal Code.

26. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
27. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-250-08.
28. A copy of the Resolution and the Conditions of Approval for Conditional Use Permit No. CUP-250-08 shall be kept on the premises at all times.
29. The permittee shall submit a signed letter acknowledging receipt of the resolution approving Conditional Use Permit No. CUP-250-08, and his/her agreement with all conditions of the approval.
30. The Conditional Use Permit shall be reviewed within one year from the date of this approval, and every year thereafter, in order to determine if the business is operating in compliance and if further administrative review is required.
31. In the event there are any parking or traffic circulation issues at 9140 Trask Avenue, or that impact the other three (3) parcels included in Planned Unit Development No. PUD-107-96, the applicant shall prepare a parking/traffic mitigation plan to the satisfaction of the City.
32. The applicant shall submit plans, prepared by a licensed Architect, to the Building Department for plan check for "Change in Occupancy".
33. The new Occupancy shall comply with the current California Building code, including, but not limited to, the maximum number of persons, per occupancy codes, allowed in the facility at any given time.
34. The number of toilet fixtures shall be as required by the California Plumbing Code.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-144-08
CONDITIONAL USE PERMIT NO. CUP-250-08

APPLICANT: PRINCIPIA ENTERPRISE, LLC

LOCATION: SOUTH SIDE OF TRASK AVENUE, BETWEEN MAGNOLIA STREET AND GILBERT STREET, AT 9140 TRASK AVENUE, SUITE 2

DATE: NOVEMBER 6, 2008

REQUEST: To amend Planned Unit Development No. PUD-107-06 to allow a Children's Learning Center with Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to operate a new 2,180 square foot Children's Learning Center, Excelsius Academy. The site is in the Planned Unit Development No. PUD-107-96 zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff to clarify the parking. Staff explained that the main entrance is off of Trask Avenue close to the 22 Freeway entrance; that a drop-off and pick-up area has been provided for ease of access and reciprocal access is to be maintained; that the In 'n Out Burger driveway removal would be a part of the Magnolia Street widening and freeway improvements.

Vice Chair Pak asked staff if there could be a right-turn ingress for this project. Staff replied not at this time.

Vice Chair Pak opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Gina Nga Le, the applicant, approached the Commission and described the project.

Vice Chair Pak asked Ms. Le if she had read and agreed with the Conditions of Approval. Ms. Le replied yes.

Commissioner Beard asked Ms. Le for the number of students in the Center. Ms. Le replied that for Garden Grove, the maximum number would be 40 students with four teachers and one administrative staff member.

Vice Chair Pak asked if transportation would be provided. Ms. Le replied no; that there would be drop-off and pick-up in the reception area.

Vice Chair Pak commented that there is a need for the Learning Center service in the Garden Grove community.

Commissioner Bankson asked Ms. Le for the student's age range. Ms. Le replied 10 to 18 years old; and that with the tutoring service, children would improve their learning skills and be more confident.

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Vice Chair Pak asked if the teachers are certified to work with the students. Ms. Le replied that the teachers are certified and come from the local school district.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-144-08 to City Council, and to approve Conditional Use Permit No. CUP-250-08, seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	PIERCE

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-144-08, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-107-96 TO ALLOW A CHILDREN'S LEARNING CENTER, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES FINDS AND DETERMINES AS FOLLOWS:

SECTION 1:

WHEREAS, the case, initiated by Principia Enterprise, LLC dba Excelsius Academy, is requesting approval of an Amendment to Planned Unit Development No. PUD-107-96 to allow a Children's Learning Center, subject to the approval of a Conditional Use Permit. The site is located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street, at 9140 Trask Avenue, Suite 2, Parcel No. 098-641-06; and

WHEREAS, the Planning Commission, at a public hearing held on November 6, 2008, determined that this request is exempt from CEQA environmental review due to the fact that this request is not deemed to be a project and thereby is not subject to CEQA review, per the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.; and

WHEREAS, pursuant to Resolution No. 5655 the Planning Commission, at a duly advertised public hearing, recommended approval of Amendment No. A-144-08 on November 6, 2008; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on December 9, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment No. A-144-08 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5655, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 2: PUD-107-96 establishes uses that are allowed on each parcel, that are part of the PUD, through existing Conditions "M" and "N". Amendment No. A-144-08 will add an additional use through Condition "O" as follows:

M. The following uses may be established at 9140 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:

- 1. PROFESSIONAL OFFICE AND RELATED USES, such as Administrative and Business, Banks and Financial Institutions, Medical and Dental offices, Dental Laboratories, Prescription Pharmacies, and Professional and Clerical offices.*
- 2. PROFESSIONAL STUDIOS, such as Art, Music and Dance studios, Arts and Crafts, Photography, and Portrait studios.*
- 3. PERSONAL SERVICE, such as Barber and Beauty Salons, Dry Cleaning Agencies, Physical Therapy, Tailor and Dressmaking, Shoe Repair, and Travel Agencies.*

N. The following uses may be established at 9032, 9062, and 9100 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:

- 1. RESTAURANTS, such as fast food restaurants, dinner houses, and coffee shops. Nightclubs, bars, and lounges are not permitted.*

O. The following uses may be established at 9140 Trask Avenue, subject to Conditional Use Permit approval and the parking requirements of the Garden Grove Municipal Code:

- 1. CHILDREN'S LEARNING CENTER.**

SECTION 3: This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.